

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAMON LYNN STOVALL,

Petitioner,

v.

RAYMOND LAWLER, et al.,

Respondents.

Civil Action No. 08-241 Erie

MEMORANDUM ORDER

This habeas action was received by the Clerk of Court on August 20, 2008 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No.24], filed on February 24, 2011, recommended that the Petitioner's Petition for Writ of Habeas Corpus [ECF No. 1] be denied and that a certificate of appealability be denied. The parties were allowed fourteen (14) days from the date of service to file objections. Service was made on Petitioner by certified mail and on Respondents. No objections were filed. After de novo review of the petition, motion and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 15th day of March, 2011;

IT IS HEREBY ORDERED that the Petitioner's Petition for Writ of Habeas Corpus is DENIED and a certificate of appealability is DENIED.

The Report and Recommendation [ECF No. 24] of Magistrate Judge Baxter, filed on February 24, 2011, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge